

## REMARKS

Claims 1-13 were originally filed in the application. In this amendment, Claims 1, 4, 5, and 6 have been amended. Claims 2, 3, and 7-13 remain unchanged. In accordance with the rules, all the claims are shown above in a clean form, and are shown in a redlined format in the attached appendix. The amendment to the specification is made by replacing the paragraph with the paragraph set forth above. In accordance with the rules, the amendment to the specification is redlined to show the changes to the specification. As set forth below, the amendments to the Claims are believed to place the Claims in condition for allowance. In view of the amendments, as discussed below, reconsideration of the Application and issuance of a Notice of Allowability are respectfully requested.

The Examiner rejected Claims 4 and 5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. In Claim 4, the Examiner noted that "the outer frame" lacked antecedent basis. Claim 4 has been amended to remove the term "outer" from the claim, and Claim 4 now refers simply to "the frame", which finds antecedent basis in Claim 2. In Claim 5, the Examiner noted that "the members" and "the frame" lack antecedent basis. Claim 5 has been amended to depend from Claim 2 (rather than Claim 1). With the dependency corrected, the noted elements of Claim 5 have proper antecedent basis. Claims 4 and 5 are now believed to be in compliance with §112. Withdrawal of this rejection is respectfully requested.

The Examiner rejected Claims 1 and 2 under 35 U.S.C. §102(e) as being anticipated by Katz, Pat. No. 6095950. Katz discloses a playground structure wherein the various elements of the structure are mounted together using a ring connector, or a pair of

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ring connectors which are themselves interconnected. These connectors securely fix the elements of the playground structure together. The connectors themselves do not allow for the various elements of the playground structure to move relative to each other. Thus, for example, the cross-bar 8, which is mounted to posts 1 using a pair of the connectors 4 cannot move relative to the posts 1. Applicant's connector, on the other hand, allows for "the play unit to move with a limited and dampened swinging movement around an imaginary axis between the mounting shaft ends at each end of the unit". Stated differently, the play unit (i.e., the ladder, bridge, etc. that is mounted to the post) can move relative to the post. Further, the play units of Katz (which would correspond to the elements 9, 12, 13, and 14 of FIG. 1) are not disclosed to include mounting shafts. For at least these reasons, Claim 1 is not believed to be anticipated by Katz. Claim 1, however, has been amended to provide that the connector includes "a rubber bushing which surrounds the play unit mounting shaft." Katz does not teach or suggest that his connector includes a rubber bushing which surrounds a mounting shaft of a play unit. Hence, Katz is not believed to anticipate or make obvious Claim 1. Claim 2 depends from Claim 1 and is similarly not believed to be anticipated or made obvious by Katz.

Although the Examiner did not explicitly reject Claim 5 over Katz, the Examiner stated that "the member is inherently curved towards the side of the frame." Applicant respectfully notes that the frame of Claim 5 is the frame of the play unit (i.e., the frame of the bridge, ladder, etc.) and does not refer to the frame of the play structure as a whole. This is evident from Claim 1 (which provides that the equipment comprises "at least one play unit" and "at least one post" to which the play unit is mounted) and Claim 2 (which provides that the play unit includes "a frame" and "a number of members inside the

frame"). However, in his comments regarding Claim 5, the Examiner appears to refer to a frame of the entire play structure. The only "play unit" of Katz that appears to include both a frame and a number of members is the ladder 22 in FIG. 3. Although the frame of the ladder bends toward the post 1, the members of the frame do not appear to be bowed. Rather, the members of the ladder play unit appear to be straight. Members which are bowed or curved towards either side of the frame are shown by Applicant, for example, in FIG. 8 where the members 11 are curved. Applicant respectfully submits that Katz does not teach or suggest the use of such curved members in a play unit.

The Examiner rejected Claims 3 and 4 under 35 U.S.C. §103 as being unpatentable over Katz. Initially, it is noted that Claims 3 and 4 both depend from Claim 1 (via Claim 2). As discussed above, Katz is not believed to anticipate or make obvious the invention of Claim 1. Hence, Katz is similarly not believed to anticipate or make obvious the invention of Claims 3 or 4.

The Examiner rejected Claims 6-13 under 35 U.S.C. §103 as being unpatentable over Katz in view of Gleeson et al., Pat. No. 5167595. The Examiner asserts that Gleeson "demonstrates the use of a connector including an outer shell and a bushing. (Column 5, lines 16-27)". Gleeson is directed to a play apparatus having a rotatable member (i.e., a rotating cylinder) mounted in a frame. The cylinder is supported in the frame on rollers as best seen in FIG. 4. The construction of these rollers is shown in FIG. 6, and described at Col. 5, lines 16-27 (the section of Gleeson which the Examiner asserts discloses the use of connectors). Applicant respectfully submits that Gleeson et al. does not teach or suggest a connector as set forth in Claim 6. The section of Gleeson referred to by the Examiner provides:

Roller mount 118 includes two flanges 120 and 122 in spaced parallel relation for receiving a roller 124 therebetween. Roller 124 has a central bore 126 into which a bushing 128 is securely inserted such as with a force fit. In the case of roller clutch caster 102, bushing 128 is equipped with a roller clutch 130 for permitting roller 124 to rotate in only one direction. In the cases of the other casters 104, 106, 108 and 110, bushing 128 is simply equipped with a suitable roller bearing (not shown). Suitable roller bearings and clutches are commercially available, such as the Model RCB-121616 from the Torrington Company of Torrington, CT

As can be seen, the bushing referred to in Gleeson is simply a bushing defining a core of the roller. It is not a bushing contained within a connector as set forth in Claim 1. Further, amended Claim 1 provides that the bushing is a rubber bushing. Gleeson does not teach or suggest what its bushing is made of. Hence, Gleeson does not teach or suggest a rubber bushing as set forth in Claim 1. In view of the fact that Gleeson does not disclose a connector having a bushing, Applicant respectfully asserts that the combination of Katz and Gleeson does not teach or suggest the use of a bushing in a connector, as set forth in Claim 1. The combination of Katz and Gleeson thus do not make the invention of Claim 1 obvious. Claim 6 depends from Claim 1 and is thus believed to be allowable. Claims 7-8 depend from Claim 6 and are similarly believed to be allowable.


Claim 9 is an independent claim to the play and training equipment. Claim 9 provides that the connector includes "an outer shell and a bushing within the shell" and that the connector enables "the play unit to move with a limited and dampened swinging movement around an imaginary axis between the mounting shaft ends at each end of the unit." As discussed above, Katz does not teach or suggest that the connector disclosed therein allows for a play unit of a play structure to move relative to a post of the play structure. Further, as discussed above, Gleeson does not teach or suggest the

use of a connector having a bushing. Hence, neither Gleeson nor Katz, whether considered individually or in combination, are believed to teach or suggest the invention of Claim 9. Claim 9 is thus believed to be in condition for allowance. Claims 10-13 depend from Claim 9 and are similarly believed to be allowable.

In view of the foregoing, Claims 1-13 are believed to be in condition for allowance. A Notice of Allowability with respect to these claims is thus respectfully requested.

Respectfully Submitted,

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<b>For:</b>	Play And Training Equipment		

**APPENDIX  
VERSIONS WITH MARKINGS  
TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

Please replace the paragraph starting at page 2, line 30 with the following:

The units each comprise a frame forming a closed loop and a number of members inside the frame. The frame preferably has an elliptic shape and the members are parallel to the short axis of the ellipse. The outer frame, in one embodiment, forms a bow. In one embodiment, [of] the members inside the frame are bowed or curved towards either side of the frame.

**IN THE CLAIMS:**

1. Play and training equipment comprising at least one play unit, at least one post to which the at least one play unit is mounted, and a connector for mounting the at least one play unit to the post; the at least one play unit including a mounting shaft at at least one end of the play unit; the connector comprising a rubber bushing which surrounds the play unit mounting shaft; the connector enabling the play unit to move with a limited and dampened swinging movement around an imaginary axis between the mounting shaft ends at each end of the unit.
2. The play and training equipment according to claim 1 wherein the units

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each comprise a frame forming a closed loop and a number of members inside the frame.

3. The play and training equipment according to claim 2 wherein the frame preferably has an elliptic shape and the members are parallel to the short axis of the ellipse.

4. **(Amended)** The play and training equipment according to claim 3 wherein the [outer] frame forms a bow.

5. **(Amended)** The play and training equipment according to claim [1] 2 wherein the members are bowed or curved towards either side of the frame.

6. **(Amended)** The play and training equipment according to claim 1 wherein the connector includes an outer shell; said [and a] bushing being contained within the shell; the bushing surrounding a mounting shaft of the play unit].

7. The play and training equipment according to claim 6 wherein the connector includes an inner tube; the inner tube being received within the bushing; the inner tube receiving the mounting shaft of the play unit.

8. The play and training equipment according to claim 6 wherein the bushing comprises discrete bushing elements spaced about said shell.

9. Play and training equipment comprising:  
at least one play unit, the play unit including a mounting shaft at at least one end of the play unit;

at least one post to which the at least one play unit is mounted; and

a connector for mounting the at least one play unit to the post; the connector

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including an outer shell and a bushing within the shell; the bushing surrounding the mounting shaft of the play unit; the connector enabling the play unit to move with a limited and dampened swinging movement around an imaginary axis between the mounting shaft ends at each end of the unit.

10. The play and training equipment according to claim 9 wherein the connector includes an inner tube; the inner tube being received within the bushing; the inner tube receiving the mounting shaft of the play unit.

11. The play and training equipment according to claim 9 wherein the bushing comprises discrete bushing elements spaced about said shell.

12. The play and training equipment of claim 9 wherein the connector is mounted within the post.

13. The play and training equipment of claim 9 wherein the connector is mounted to an outer surface of the post.

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